

A SUBSTITUTE RESOLUTION

08-R-2047

BYCITY UTILITIES COMMITTEE

AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE WEST END MULTI-USE TRAIL PROJECT; ALSO AUTHORIZING THE MAYOR TO ENTER INTO A RIGHT-OF-WAY MAINTENANCE AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE WEST END MULTI-USE TRAIL PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia Department of Transportation ("GDOT") has certain rights and title to real property located in Fulton County, Georgia which is not currently being used for railroad freight or passenger transportation service to the public; and

WHEREAS, GDOT is authorized to lease to the City of Atlanta ("City") a portion of said real property from Ralph David Abernathy Boulevard to Westview Drive along the rail line, to construct a twelve (12) to fifteen (15) foot wide concrete bicycle and pedestrian trail, hereinafter referred to as the "West End Multi-Use Trail" as shown on Exhibit "A"; and

WHEREAS, the City desires to enter into a lease agreement with GDOT so that it may construct the West End Multi-Use Trail in accordance with plans and specifications submitted by the City and identified by GDOT as Project STP00-00BK-00(073), P.I. # 762562; and

WHEREAS, the City and GDOT have reached a lease agreement ("Agreement"); and

WHEREAS, the initial term of this Agreement is for a period of twenty-five (25) years subject to automatic renewal every five years unless either party gives the other party proper notice of intent not to renew, and thereafter extended upon mutual agreement; and

WHEREAS, the City will assume all duties and obligations with relation to the use, repair, maintenance, existence, and operation of the West End Multi-Use Trail, as provided for in the Agreement; and

WHEREAS, another portion of the West End Multi-Use Trail encroaches onto Interstate 20/State Route 402 right-of-way owned by the United States Federal Highway Administration ("FHWA") but maintained by GDOT; and

WHEREAS, GDOT submitted the West End Multi-Use Trails plans to FHWA in anticipation of the City needing an easement or encroachment permit from FHWA for said portion; and

WHEREAS, FHWA reviewed the plans and instructed GDOT to have the City execute a maintenance agreement before being permitted to make the West End Multi-Use Trail improvements along the Interstate 20 right-of-way.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor is authorized to execute a Lease Agreement with the Georgia Department of Transportation for the West End Multi-Use Trail Property.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute a Right-of-Way Maintenance Agreement with the Georgia Department of Transportation to maintain the right-of-way of the real property owned the United States Federal Highway Administration for the purpose of the West End Multi-Use Trail Project.

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to prepare the appropriate Lease Agreement and Right-of-Way Maintenance Agreement for execution by the Mayor.

AND FINALLY BE IT RESOLVED, that the Lease Agreement and Right-of-Way Maintenance Agreement will not become binding upon the City and the City shall incur no obligation or liability hereunder until the same has been signed by the Mayor and attested to by the municipal clerk, and delivered to the Georgia Department of Transportation.

**A RESOLUTION BY
CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE WEST END MULTI-USE TRAIL PROJECT; ALSO AUTHORIZING THE MAYOR TO ENTER INTO A RIGHT-OF-WAY MAINTENANCE AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE WEST END MULTI-USE TRAIL PROJECT IN AN NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00) CHARGED TO AND PAID FROM THE FOLLOWING FUND, DEPARTMENT AND ACCOUNT NUMBERS: 3502 (GENERAL GOVERNMENT CAPITAL FUND) 140106 (PRC PARKS DESIGN) 6220000 (PARK AREA) AND PTAE0 FUNDING SOURCES: 14101650/ 102 / 350291110 /5222002 / COA PARK IMPACT FEES; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia Department of Transportation ("GDOT") has certain rights and title to real property located in Fulton County, Georgia which is not currently being used for railroad freight or passenger transportation service to the public; and

WHEREAS, GDOT is authorized to lease to the City of Atlanta ("City") a portion of said real property from Ralph David Abernathy Boulevard to Westview Drive along the rail line, to construct a twelve (12) to fifteen (15) foot wide concrete bicycle and pedestrian trail, hereinafter referred to as the "West End Multi-Use Trail" as shown on Exhibit "A"; and

WHEREAS, the City desires to enter into a lease agreement with GDOT so that it may construct the West End Multi-Use Trail in accordance with plans and specifications submitted by the City and identified by GDOT as Project STP00-00BK-00(073), P.I. # 762562; and

WHEREAS, the City and GDOT have reached a lease agreement ("Agreement"); and

WHEREAS, the initial term of this Agreement is for a period of twenty-five (25) years subject to automatic renewal every five years unless either party gives the other party proper notice of intent not to renew, and thereafter extended upon mutual agreement; and

WHEREAS, the City will assume all duties and obligations with relation to the use, repair, maintenance, existence, and operation of the West End Multi-Use Trail, as provided for in the Agreement; and

WHEREAS, another portion of the West End Multi-Use Trail encroaches onto Interstate 20/State Route 402 right-of-way owned by the United States Federal Highway Administration ("FHWA") but maintained by GDOT; and

WHEREAS, GDOT submitted the West End Multi-Use Trails plans to FHWA in anticipation of the City needing an easement or encroachment permit from FHWA for said portion; and

WHEREAS, FHWA reviewed the plans and instructed GDOT to have the City execute a maintenance agreement before being permitted to make the West End Multi-Use Trail improvements along the Interstate 20 right-of-way; and

WHEREAS, GDOT has requested the City to offset any inspection costs incurred by GDOT associated with ensuring that the FHWA right-of-way is maintained in accordance with the Maintenance Agreement.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized to execute a Lease Agreement with the Georgia Department of Transportation for the West End Multi-Use Trail Property.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute a Right-of-Way Maintenance Agreement with the Georgia Department of Transportation to maintain the right-of-way of the real property owned the United States Federal Highway Administration for the purpose of the West End Multi-Use Trail Project.

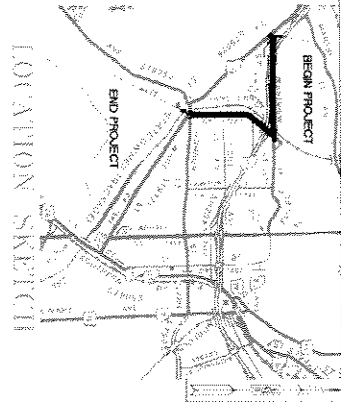
BE IT FURTHER RESOLVED, that the Right-of-Way Maintenance Agreement may contain a provision, subject to available parks impact fees, authorizing the placement of an amount not to exceed Seventy-Five Thousand Dollars and no cents (\$75,000.00) into an escrow account for the purpose of off-setting inspection costs incurred by GDOT in ensuring the FHWA right-of-way is maintained in accordance with the Right-of-Way Maintenance Agreement.

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to prepare the appropriate Lease Agreement and Right-of-Way Maintenance Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that the Lease Agreement and Right-of-Way Maintenance Agreement will not become binding upon the City and the City shall incur no obligation or liability hereunder until the same has been signed by the Mayor and attested to by the municipal clerk, and delivered to the Georgia Department of Transportation.

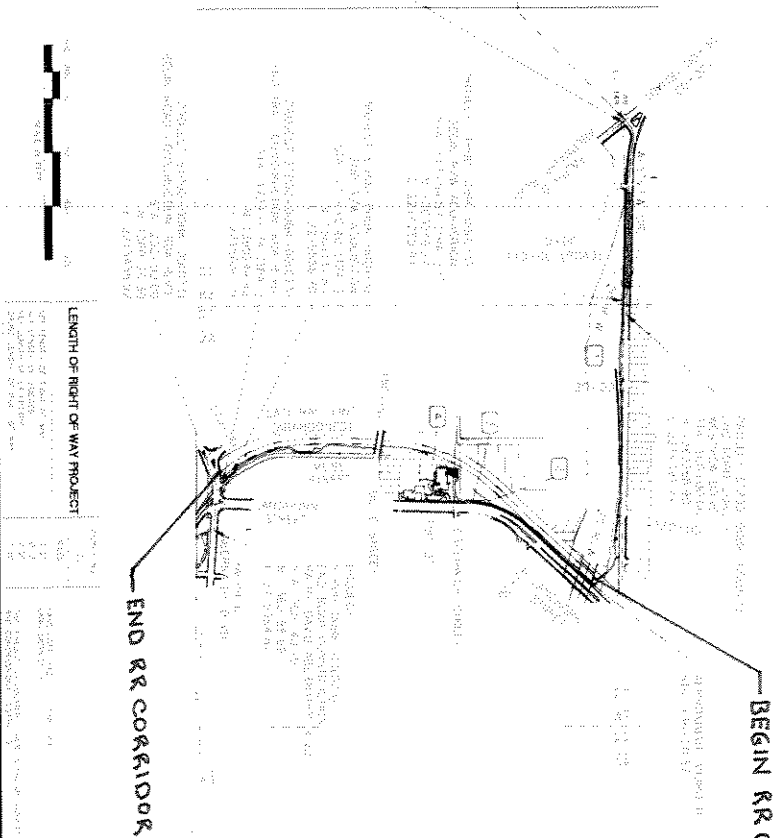
tables

A



BEGIN RR CORRIDOR

PARCELS
1. I-20 FHWA
2,3,4 FULTON COUNTY EASEMENT

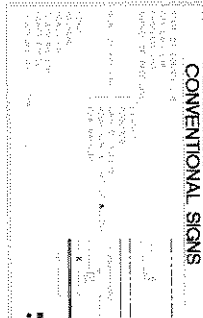


LENGTH OF RIGHT OF WAY PROJECT

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CONVENTIONAL SIGNS



1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator, who is usually a member of the research team. The investigator will identify the problem by looking at the data and trying to find out what is going on.

2. The second step is to define the problem. This is done by the investigator, who will define the problem in terms of the research question. The research question is a statement that describes the problem and the investigator's goal.

3. The third step is to design the study. This is done by the investigator, who will design the study in terms of the research question. The study design is a plan that describes how the investigator will collect and analyze the data.

4. The fourth step is to collect the data. This is done by the investigator, who will collect the data in terms of the research question. The data collection is the process of gathering information about the problem.

5. The fifth step is to analyze the data. This is done by the investigator, who will analyze the data in terms of the research question. The data analysis is the process of looking at the data and trying to find out what is going on.

6. The sixth step is to interpret the results. This is done by the investigator, who will interpret the results in terms of the research question. The interpretation is the process of looking at the results and trying to find out what they mean.

7. The seventh step is to write the report. This is done by the investigator, who will write the report in terms of the research question. The report is a document that describes the problem, the study design, the data collection, the data analysis, and the interpretation of the results.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

Caption:

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE WEST END MULTI-USE TRAIL PROJECT; ALSO AUTHORIZING THE MAYOR TO ENTER INTO A RIGHT-OF-WAY MAINTENANCE AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE WEST END MULTI-USE TRAIL PROJECT IN AN NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00) CHARGED TO AND PAID FROM THE FOLLOWING FUND, DEPARTMENT AND ACCOUNT NUMBERS: 3502 (GENERAL GOVERNMENT CAPITAL FUND) 140106 (PRC PARKS DESIGN) 6220000 (PARK AREA) AND PTAE0 FUNDING SOURCES: 14101650/ 102 / 350291110 /5222002 / COA PARK IMPACT FEES; AND FOR OTHER PURPOSES.

Council Meeting Date: November 3, 2008

Requesting Dept.: Planning and Community Development & Public Works

FAC Confirmed by: Tom Broyles-DOF

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The City of Atlanta is implementing a trail project. **The West End Multi-Use Trail** project will be built as a minimum 12' wide, 5" thick, concrete multi-use trail which will starts at the intersection of Matthews Street and Lena Street and continues to Ralph David Abernathy Blvd. along CSX R/R and Westview Drive. This trail is an integral part of the Atlanta Greenway Trail Master Plan adopted by the City in 1993.

The purpose of this legislation is to allow City of Atlanta to enter into two agreements with the Georgia Department of Transportation (GDOT) and/or U.S. Federal Highway Administration. The first agreement (maintenance) gives the City the right to build a section of the concrete trail on the FHWA Interstate 20 Right of Way. The second agreement (25 year lease) gives the City the right to build a section of the trail in the abandon railroad area which is owned by GDOT.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

We have entered various agreements with GDOT in the past, since they provides the City of Atlanta and other local governments with Federal Transportation funding. This resolution reflects our desire to build more bike trails in the City of Atlanta and to promote transportation infrastructure that will give the citizens other means to travel in and around the City.

3. If Applicable/Known:

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc):

Inter-Governmental Agreement with GDOT/FHWA

(b) Source Selection: n/a

(c) Bids/Proposals Due: n/a

(d) Invitations Issued: n/a

(e) Number of Bids: n/a

(f) Proposals Received: n/a

(g) Bidders/Proponents: n/a

(h) Term of Contract: 25 years (2009 thru 2034)

4. Fund Account Center (Ex. Name and number) PTAE0:

Segment	CD #	DPW GO#	Project #	Task #	Budget Allocation
I	04	GO-0000	14101650	102	\$75,000.00
TOTAL					\$75,000.00

PTAEO (Project/Task/Award/Expenditure/City of Atlanta)

PTAEO: 14101650/ 102 / 350291110 /5222002 / COA

5. Source of Funds: Parks Impact Fees Funds

6. Fiscal Impact: This legislation will result in a reduction in the amount of \$75,000 to PTAEO: 14101650/ 102 / 350291110 /5222002

7. Method of Cost Recovery:

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.***
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.***

No revenues will be generated with this contract.

This Legislative Request Form Was Prepared By: Deon Franklin

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Deon Franklin

Contact Number: x6910

Originating Department: Planning and Community Development

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: October 15, 2008

Anticipated Committee Meeting Date(s): October 29, 2008

Anticipated Full Council Date: November 3, 2008

Legislative Counsel's Signature: 

Commissioner Signature: 

Chief Procurement Officer Signature: N/A

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE WEST END MULTI-USE TRAIL PROJECT; ALSO AUTHORIZING THE MAYOR TO ENTER INTO A RIGHT-OF-WAY MAINTENANCE AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE WEST END MULTI-USE TRAIL PROJECT IN AN NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00) CHARGED TO AND PAID FROM THE FOLLOWING FUND, DEPARTMENT AND ACCOUNT NUMBERS: 3502 (GENERAL GOVERNMENT CAPITAL FUND) 140106 (PRC PARKS DESIGN) 6220000 (PARK AREA) AND PTAE0 FUNDING SOURCES: 14101650/ 102 / 350291110 / 5222002 / COA PARK IMPACT FEES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$75,000 PARK IMPACT FEES

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 10/15/08  Reviewed by: 
(date) (date)

Submitted to Council: _____
(date)